



Appeal Decisions

Site visit made on 23 November 2020

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal A Ref: APP/X5990/W/20/3244524

53 Lower Belgrave Street, London SW1W 0LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Harold against the decision of City of Westminster Council.
 - The application Ref 19/06679/FULL, dated 22 August 2019, was refused by notice dated 17 October 2019.
 - The development proposed is internal and external alterations including a rear extension and installation of a lift.
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Appeal B Ref: APP/X5990/Y/20/3244523

53 Lower Belgrave Street, London SW1W 0LP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr M Harold against the decision of City of Westminster Council.
 - The application Ref 19/06680/LBC, dated 22 August 2019, was refused by notice dated 17 October 2019.
 - The works proposed are internal and external alterations including a rear extension and installation of a lift.
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Decisions

Appeal A Ref: APP/X5990/W/20/3244524

1. The appeal is dismissed.

Appeal B Ref: APP/X5990/Y/20/3244523

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal concerns a listed building in a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. The appellant has submitted amended drawings showing a shorter extension and omitting the obscuring of glass, to which the Council has responded. I have had regard to the principles established by the Courts in *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37]. I am satisfied that the amendments would not change the nature of the scheme to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal with regard to the amended plans.
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Main Issues

5. The main issues are:

- whether the proposal would preserve the grade II listed building 49-55 Lower Belgrave Street, and any of the features of special architectural or historic interest that it possesses; and,
- whether it would preserve or enhance the character or appearance of the Belgravia Conservation Area.

Reasons

The listed building and the Belgravia Conservation Area (CA)

6. This is a terrace of early C19, second-rate houses, listed for group value. Their classical frontages, set back from the footway by black, cast-iron railings around shallow light-wells bring an elegant enclosure to Lower Belgrave Street. There is a substantial gap in the street, behind the terrace along the street block return into Chester Square. Between the blind flank of the terrace and the neighbouring terrace in Chester Square the more utilitarian back elevation of the listed building is exposed in views from the street, revealing extensions rising towards a mansard roof section broken by the towering stacks of the party wall chimneys. Though the back elevation of the listed building appears to have been altered and is more utilitarian than the formal, well-dressed façade at the front, it nonetheless retains significant architectural interest in the hierarchical interplay between the languages of front and back, its spatial arrangement having historic value in illustrating the social structures at the time of its construction.
7. The buildings of the CA share a formal and coherent neo-Classical architecture in white stucco or brickwork, set along a formal, grid pattern of streets and squares, laid out in the early-mid C19. The more elaborately detailed, first-rate houses were built around Belgrave Square and Eaton Square, with the intermediate streets enclosed by terraces of smaller scale, second-rate houses. The CA has historic significance as a planned, aristocratic quarter, an example of high-class speculative development which influenced similar developments in London.
8. In this historic and architectural context, the listed building marks the prosperity of the area and how housing to meet the growth in population, and the professional classes, was provided for in a planned model development. As far as this appeal is concerned, its significance lies in its historic layout and form, its development demonstrating the social order at the time of its construction and alteration, the surviving historic detailing and materials of which reveal the craftsmanship of its builders. The utilitarian architectural character of its form and townscape at the back, contrasting against the more formal, mannered street-facing sections of the building, add another historic and architectural layer to the significance of the CA.

The effect of the proposal on the listed building

9. Blocking-off the window opening to the second-floor back room would undermine the historic spatial arrangement of the house in which window openings brought light into the rooms and allowed people to look out from them. Forming a large shaft, like a room off a principal room, at second floor,

- would also undermine the simple, historic plan layout of the house, which is an important part of the significance of the listed building. The rooflight over part of the extended section would replace some lost light. It would not, however, mitigate the lack of a window from which to look out from, and in the window wall of a principal room. This is an important feature of the historic layout of the house and part of the significance of the listed building, which this proposal would harm.
10. Similarly, at ground and first floors, the formation of the shaft would obstruct the window openings serving the back rooms. I appreciate that the back rooms may be able to borrow light from the front rooms. However, the siting of window openings is an important historic feature of the house. Blocking them at ground and first floors would undermine the historic arrangement of the house, and the significance of the listed building.
 11. There are numerous extensions and alterations to the listed building at the rear, including at high level. The uplift of the extension would not be great, and it would stop below the parapet of the main roof, like other extensions on the back of the listed building. Notwithstanding this, the rising and falling window openings surviving in the back wall of the listed building reflect the historic spatial arrangement in the houses. Raising the extension directly in front of the second-floor opening would undermine their contribution to the historic significance of the building and weaken the architectural order at the back of the building.
 12. The existing extension rises only to first floor under an unpretentious, lean-to roof, reflecting the humble status of the back yard in the late C19. Raising it by another floor would stretch its modest reach and replace its plain detailing with a more prominent form under a more complex roof, depleting the listed building of a part of its historic and architectural significance.
 13. There would be some loss of building fabric, though much of this it appears would affect only the most recent alterations or modern work. The lost fabric does not appear to me to have singular archaeological significance nor sufficient interest to distinguish it from its surrounding material, either architecturally or historically. In view of the limited amount and low significance of the fabric to be removed, and the remaining fabric of similar age, the lost fabric would not harm the special architectural or historic interest of the building. It is not a determinative factor in this proposal.
 14. I appreciate that the windows which would be obstructed by the shaft would be retained with clear glazing instead of being obscured, as previously proposed. However, the proximity of the shaft to the windows would obscure any signs of occupation behind them. Their uncharacteristic, dead bearing on the rear elevation would diminish its life and interest insofar as it is derived from openings which betray movement, light and the clues of occupation of people in the building, unlike the artifice of the functionless windows in this proposal.
 15. I appreciate that views of the proposal would be limited and oblique. Nonetheless, the harm identified above would be visible from the street, and at close quarters. In any event, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether public views of them can be gained.

16. The proposal would not preserve the grade II listed building, and its features of special architectural and historic interest described above. It would conflict with strategic policies S25 and S28 of the Westminster City Plan consolidated with all changes since November 2013 (November 2016) (WCP) which seek the conservation of heritage assets and exemplary standards of architecture. It would run against saved policies DES1 and DES10 of the City of Westminster Unitary Development Plan 2007 (UDP) which reflect those strategic objectives, and which aim to protect listed buildings and those features of special architectural or historic interest that they possess, and which require development to maintain the character and hierarchy of existing buildings.

The effect of the proposal on the CA

17. I have identified above the harm to the special architectural and historic interest of the listed building, which makes a substantial contribution to the historic and architectural significance of the whole CA. Against the scale of the building and the street, and given its location within the street block, I acknowledge the degree of harm to the significance of the CA would be small. Nonetheless, the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA, against which test, the effect of this proposal on the appearance of the CA, fails. It would conflict with WCP policies S25 and S28, and with saved UDP policies DES1, and DES9 which aims to preserve or enhance the character or appearance of conservation areas.

Other Matters

18. In the context of the definition of setting in the National Planning Policy Framework (the Framework), as the surroundings in which a heritage asset is experienced, the proposal would have such limited impact on the setting of surrounding listed buildings that they would be preserved in accordance with the expectations of the Act, and the requirements of UDP policy DES10 which protects the settings of listed buildings. Nor would there be any conflict in this regard with the objectives of the Framework which recognises the potential for harm to the significance of a designated heritage asset from development within its setting.
19. I have considered the Council's consent for a lift extension behind 54 Chester Square. However, this predates the Framework by around 20 years. Without the details of the context and particular circumstances of that case I am unable to draw any parallels to this proposal. It is too distant to have a direct aesthetic bearing on this site, and it does not justify the harm to this listed building which the Framework describes as an irreplaceable resource which should be preserved in a manner appropriate to its significance.

Planning Balance

20. The appellant concludes that the loss of historic fabric and the removal of the ability to appreciate the last remaining portion of the original rear elevation of No 53 would cause less than substantial harm to the significance of the listed building. While I have found no harm to archaeological significance from fabric loss, I have found harm to the significance of the listed building and its special historic and architectural interest, as well as to the appearance of the CA, contrary to the clear expectations of the Act.

21. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although I agree with the parties that the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met. I give the harm I have identified considerable importance and weight in the planning balance of these appeals.
22. Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of listed buildings. However, the continued viable use of No 53 as a dwelling is not dependent on these proposals, as it has an ongoing residential use that would not cease in their absence. I recognise the benefits that step-free access would bring between those spaces which the lift would serve. However, the benefits to flow from this would be private rather than of benefit to the public at large. They would not amount to the public benefit which paragraph 196 of the Framework advises can be weighed against harm in the planning balance.
23. Construction of the proposals would bring economic benefits from employment, the commissioning of services, and the retention of building craft skills. These public benefits do not, however, outweigh the harm identified above to the significance of the heritage assets to the conservation of which the Framework indicates great weight should be given.
24. The appellant points to the development plan and its lack of a balancing test against public benefits in its heritage policies. Their inconsistency with the Framework limits the weight I can accord them. As they are the most important development plan policies for determining the appeal for planning permission, they are rendered out-of-date, triggering the presumption in favour of sustainable development which may mean granting planning permission. However, the Framework indicates that this does not apply where the application of its policies that protect assets of particular importance, which includes designated heritage assets, provides a clear reason for refusing the development proposed. This is the case here.
25. Accordingly, I conclude that the proposal would fail to preserve the special architectural and historic interest of the grade II listed building, as well as the appearance of the CA, conflicting with the requirements of the Act, paragraph 192 of the Framework and the policies of the development plan in so far as they are consistent with the Framework.

Conclusion

26. The appeals are dismissed.

Patrick Whelan

INSPECTOR